

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**TYRONE REID, also known as
LUQMAN ABDURRAHMAN,**

Petitioner,

CASE NO. 82-71077

v.

HONORABLE DENISE PAGE HOOD

**WASHTENAW COUNTY CIRCUIT
COURT and FRANK KELLEY,**

Respondents.

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ORDER DENYING CERTIFICATE OF APPEALABILITY

This matter is before the Court to determine whether a certificate of appealability should issue on Petitioner Tyrone Reid's most recent Notice of Appeal filed June 2, 2014 (No. 60) from this Court's May 16, 2014 Order. (No. 57)

The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"), codified at 28 U.S.C. § 2241 *et. seq.*, amended 28 U.S.C. §§ 2244, 2253, and 2254, governs habeas corpus proceedings in federal courts. Rule 22 of the Rules of Appellate Procedure provides that an appeal may not proceed unless a certificate of appealability (COA) is issued under 28 U.S.C. § 2253. Rule 11 of the Rules Governing Section 2255 Proceedings requires that a court "must issue or deny a

certificate of appealability when it enters a final order adverse to the applicant.” A COA is issued “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. §2253(c)(2). A petitioner must show “that reasonable jurists could debate whether the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

The Court concludes that reasonable jurists would not debate this Court’s rulings set forth in its May 16, 2014 Order. As noted in its May 26, 2014 Order, Petitioner’s Petition for a Writ of Habeas Corpus was summarily dismissed on May 13, 1982. Petitioner filed a Notice of Appeal on May 18, 2006, which was dismissed by the Sixth Circuit Court of Appeals as untimely. *See Reid v. Washtenaw County*, No. 06-1877 (6th Cir. Aug. 2, 2006). As noted by the Court in its May 16, 2014 Order, Petitioner’s current motions had no merit and that any appeal from the Order would be frivolous and not taken in good faith. (No. 57) Accordingly,

IT IS ORDERED that a certificate of appealability **not** issue in this case. The Court denies any request to issue a certificate of appealability.

Dated: September 22, 2014

s/Denise Page Hood

Denise Page Hood

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 22, 2014, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry

Case Manager